

# MOUNTAIN HOME

Pennsylvania & the New York Finger Lakes

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*as the wind*

## **DAM PINE CREEK !!!**

Government and gas men  
dammed our sacred waters.  
David Kagan and Mother  
Nature were not pleased.

By Michael Capuzzo

**NEW MEDICAL SECTION  
REAL ESTATE INSIDE**

**JULY 2011**





Death of an Illegal Dam  
(in 5 acts)

Photos by David Kagan

- 1. March 31: Construction begins
- 2. May 5: A huge presence
- 3. May 8: Almost complete
- 4. May 19: Rising waters
- 5. May 20: All gone

5



1



2



3



# DAVID *vs.* Goliath

*A Marcellus Tale*

by Michael Capuzzo

**T**he e-mail came through the summer night from a lonely stretch down on Pine Creek. Just another piece of junk mail, I figured. But it is a booming time, a baleful time, a mixed-up, fired-up, fracked-up time in northern Pennsylvania, and this e-mail resonated with the confused emotions that ride our serpentine creeks and misted mountain air. It landed in my inbox with a cool ting, but the words were hot, the desperate language of a man holed up in a shack with a pump gun and a SWAT team outside the door. *You MUST look at the attached photographs...Just look at this monstrosity—this degradation, this ravishment, this obscenity, this disgrace!*



4



## PLEASE REACT TO THIS BY DOING WHAT YOU CAN TO CONDEMN

My finger was on the delete key when I realized to my surprise that it was not my unclaimed Nairobi \$5 million inheritance, or a new photograph of Sasquatch. I knew the sender. To my further surprise, I know him as one of the more reasonable men of my acquaintance, a highly intelligent, even gentle man named David Ira Kagan.

I rubbed my eyes, wondering what I'd missed. I hadn't seen David in a while, or his wife, Beth, who just retired from teaching kindergarten, and was anticipating visits from their three children in the dream house down in sleepy Tolbert Village, right on Pine Creek. Now she'd have all the time in the world to enjoy life, like her husband does.

Kagan, 63, is a retired mathematics and English teacher who decided to retire early, at 56. Tall and exceptionally fit, balding with crows feet around sensitive hazel eyes, he's a nature-loving fellow I think of "Mr. Pine Creek." He spends his days bicycling ten to thirty to even fifty miles a day along the Pine Creek Rail Trail, hiking deep in the woods, and talking to everyone.

Mr. Pine Creek chronicles his life on the creek and in the woods for Web sites, newspapers and magazines, including the *Williamsport Sun-Gazette*, the *Webb Weekly*, the *Slate Run Tackle Shop* ([www.slaterun.com](http://www.slaterun.com)), and occasionally *Mountain Home*. He blogs, snaps photos, fills notebooks, and it's not leisurely writing—David wrote more than 800 newspaper stories at last count! He's also written three books,

including the brisk-selling *Pine Creek Villages*. Nobody I know feels more deeply the history and rhythms of this sacred place, the Pine Creek Valley. It was hard to imagine this gentle man by his water, boiling with fury.

I looked at the photograph that was causing him such distress. It was a shot of lovely Pine Creek lolling in the bright sunshine of May 5, 2011. Kagan took the photograph himself from the Rail Trail on the east side of the creek. The picture captures the kind of day that makes the Pine Creek Valley the beloved pumping heart of north-central Pennsylvania. There's the wide creek renowned by tourists and locals alike for trout fishing, paddling, hiking, biking, enjoying the natural splendor of one of the last unspoiled parts of the eastern United States. On closer inspection, new leaves adorn the maples along the shore; the sycamores are budding. Patches of blue sky and clouds are reflected in the water.

But the picture captures something else. A huge yellow Komatsu PC400LC excavator towers in the middle of the creek, or where the creek water used to be. Its giant treads crunch down on the massive, stone horseshoe-shaped coffer dam that reaches like the arms of a crab two-thirds of the creek. Hard-hats are standing on the far shore, where another excavator is digging huge trenches for steel water-storage cylinders. The bucket is about to take another big bite of stone to fill the creek.

I blinked and looked again, confused. *Damming Pine Creek? How can it be? What numbskull thought this was a good idea? It must be illegal!*

My mind reeled as I read Kagan's e-mail. The old English composition teacher, an ardent environmentalist, had first discovered a huge pile of rocks and foundation stones spilling into the creek in late March. He reacted with the disdain and certainty he would summon upon finding a grammatical mistake. By God, it's like a capital letter in the middle of a word! It was simply wrong! By May 5, he agonized as the great circle of stones was complete, like a submerged Stonehenge rising hideously, in his view, above the tranquil waters.

Kagan was further horrified to learn its purpose. Pennsylvania

General Energy Company (PGE), based in Warren, had built the dam, in effect turning a bend in the creek into a sealed pool into which it would install water-pumping equipment that would pump out nearly one million gallons a day of Pine Creek water into a pipeline. The pipeline would carry the water under Route 44 and up a mountain to a natural gas well pad, where it would be used in the fracking process. PGE was planning some 150 wells in the hills along the creek. Kagan's mind spun. He was dismayed to learn that PGE had obtained the necessary permits from the Susquehanna River Basin Commission; there'd even been a public hearing. At least two more coffer dams were on the drawing board to scar the lower end of Pine Creek, beneath the allegedly more protected Scenic River stretch from Darling Run to near Blackwell. His paradise was being despoiled! Didn't anyone else care?

Kagan let a form of madness overtake him. He wrote letters to the editor, blog posts, joined eco-activists circles, sent e-mails from Pine Creek like messages in a bottle. He's not a religious man, but in effect he prayed and prayed...for the destruction of the offending dam. And as suddenly as Zeus striking from a cloud, his prayers were answered.

I went to visit Kagan in his house right on the Pine Creek in Tolbert Village. Unlike Kagan, I'm generally a fan of the gas development, though like many other local folks I yearn for greater local control over the negative impacts, from drinking-water quality to noise-and-traffic issues. Tioga County's economy, for one, has benefited greatly, rising from horrid unemployment numbers to sterling ones, six to seven percent. The restaurants are booming; there's a new vitality afoot.

But damming Pine Creek!? Along Pine Creek, author, poet, and outdoorsman George Washington Sears (Nessmuk) of Wellsboro pioneered the American idea of camping in union with nature, was a giant of 19th Century outdoor writing, and is remembered as the "hook and bullet Thoreau." How does one suck resources from the very symbol of this area? Is nothing sacred?

Why not drain Walden Pond, too? There's good water to be had in the Tidal Basin, I hear. There's a lot of water in New York Harbor, and no doubt plenty of useful copper in the Statue of Liberty.

I found Kagan at his kitchen table, brooding over the press coverage, most of it from the *Lock Haven Express*—other newspapers hadn't touched it—about the controversial dam at Tomb's Run.



MICHAEL CARUZZO



Kagan was sane and affable as always, no pump guns in sight, but he hadn't been sleeping well. Like a figure from *Lost Horizon*, he had the haunted look of a man who'd once known paradise, a dream beyond other men, only to have it snatched away.

He'd loved life on the Pine Creek since 1991, when he and Beth bought their creekside house, right up until October 27, 2010. That day, inflamed with a kind of madness, he sat from 11:30 a.m. until 2 p.m. in a folding chair at the White Tail Parking Access of the Pine Creek Rail Trail just off Route 44 a couple miles above Jersey Shore, counting trucks. Furiously, he scribbled a final tally: "55 water tanker trucks (40 of them the long, 18-wheeled semis) and 29 construction/excavation/materials trucks. That's 84 trucks in 150 minutes, or roughly one every two minutes. Lately, this has been going on 24 hours a day."

The suffering had begun. "I suffer during the day when I ride my bicycle on the Pine Creek Rail Trail, which goes right by my home," he wrote. "It used to be such a great, calming pleasure to bicycle on the trail (I've pedaled over 5000 miles this year), but now I can't help but get angry hearing the constant clamor. It used to be mostly just the gentle sounds of the flowing creek and the warbling of birds. No longer.

"I suffer during the day and evening when I go into my living room at the back of my home beside Pine Creek. I try to read or write or watch television, even with the side door and windows shut, but still I am interrupted and disturbed by the deafening din of truck traffic up on 44, at least one bellowing EVERY minute or two.

"I suffer at night when I try to sleep. The hour doesn't matter—10 p.m., midnight, 2 a.m., 4 a.m., 6 a.m.—I lie awake just knowing that the sound of rolling tires, acceleration and braking will disturb me again and again and again, without reprieve."

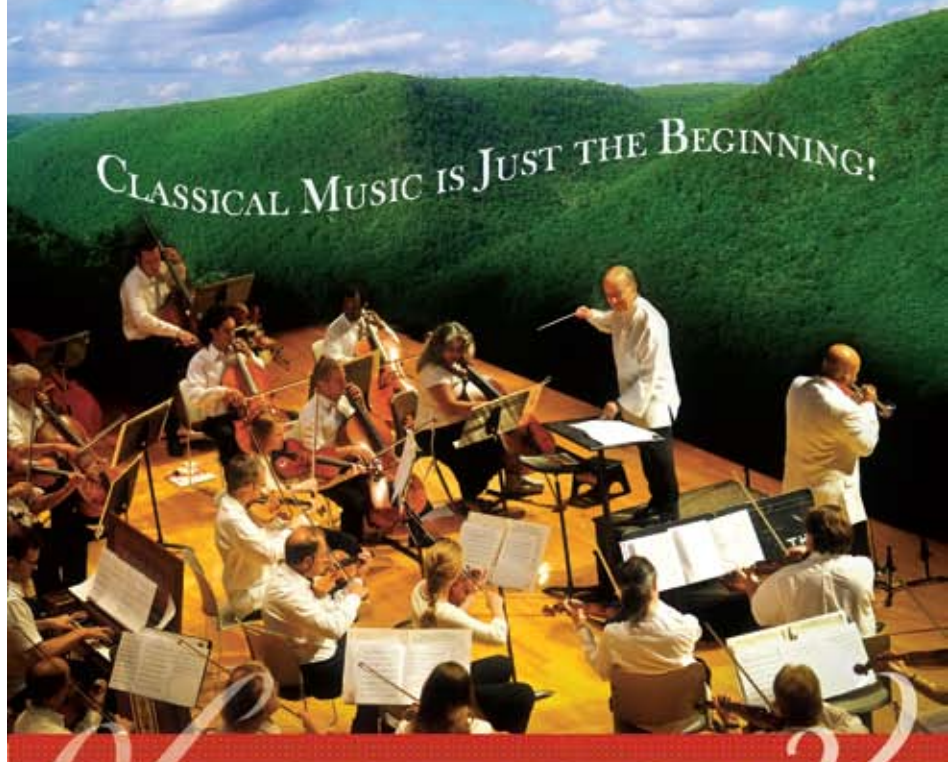
Now, eight months later, Kagan was wrestling with an anger that wouldn't leave. His mind churned with environmental concerns—what would become of the creek wildlife, humans, plants, all the new road-kill, the mysterious fracking chemicals? "And you know what? It's only the beginning." The trucks and their water-torture noise were the worst. The gas company said the dam would dramatically reduce truck traffic, easing the noise, but Kagan was not consoled. What would the invading army do next? That was the horror of it. One never knew, except it would be big and invasive. Who'd imagine a nightmare of sucking millions of gallons out of Pine Creek? Helicopters roaring overhead, ferrying equipment and supplies to the gas pads, who'd ever have guessed there'd be helicopters!

He felt a sense of powerlessness. His wife advised him to cool down, take his foot off his blood pressure, brighten his outlook. His children now asked him to sell the dream house they'd recently

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dreamed of inheriting. Highs and lows throttled him with emotion, like when he learned the Tombs Run dam was in fact illegal! On May 8, he was dismayed when the coffer damn was all but completed. But on May 9, incredible news! The Pennsylvania Department of Environment Protection (DEP) served a notice of four violations on the new dam, accusing PGE of violating its permit by building a stone dam instead of the approved sand-bag dam, designed to be temporary, and "polluting the Waters of the Commonwealth" by discharging harmful sediment into the Pine Creek, "a High Quality stream." The notice threatened tens of thousands of dollars in fines—possibly hundreds of thousands!

Kagan's joy was short-lived. No fines were forthcoming, work proceeded on the dam, which was wrapped in protective tarp on May 15. But by May 19th, something cosmic happened. The storm-driven creek rose and roared and crested the dam; by the next day, Kagan took joyful pictures. Hard to fathom, but the stone monolith was gone! Mother Nature, the Pine Creek itself, had risen up and washed the whole darn thing away!

Now the contractor's huge extractor was banging around in the creek like a giant yellow egret, apparently trying to salvage lost stones. Kagan alerted the DEP.

His elation didn't last. The stone and debris "must have washed downstream to settle on the creek bottom," he fretted, "with unknown environmental consequences." He wondered: What would the DEP do? And the other authorities? Would there be fines? More coffer dams on Pine Creek? "What will be the environmental impact of this?"

On June 22, I walked with Kagan down the Rail Trail and looked across at the stubborn extractor, now rapidly cleaning up and preparing to re-build the dam. Kagan again e-mailed the DEP, and I spoke with DEP spokesman Kevin Sunday in Harrisburg. The energy company had worked hard to solve its violations, the officials said, and was working closely with DEP to make sure the first coffer dam on Pine Creek was legal this time, and would stand and work for at least the thirty days allowed. Kagan and I walked back to his house until it was quiet again along the Rail Trail, and he tried to smile, cherish the good, put a positive spin on things, not dwell overmuch on the throbbing of his conscience and the stent in the heart of the Pine Creek Valley. 🌲